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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,580	10/25/2003	Dave Kamholz	200309098-1	1081

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EXAMINER

NGUYEN, CHAU T

ART UNIT

PAPER NUMBER

2176

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/693,580

Applicant(s)

KAMHOLZ ET AL.

Examiner

Chau Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-7,9-13 and 15-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-7,9-13 and 15-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>03/14/2005 & 10/25/2005</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Amendment, received on 02/22/2006, has been entered. Claims 1, 3-7, 9-13 and 15-20 are presented for examination.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1, 3-7, 9-13 and 15-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim 1, 7, 13 and 17 contain subject matter "designate the specific portion without modifying the specific portion" which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 7 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Kraft et al. (Kraft), US Patent No. 6,938,170.

6. As to claims 1, 7 and 13, Kraft discloses a method of generating a web page comprising:

designating content for publication on the web page (col. 6, lines 32-50: the original web form 400 contains data (content) from its data sources 320 that are collected and organized in response to a request from browser); and

designating a specific portion of the content to prevent a web crawling mechanism from indexing the specific portion (col. 6, lines 32-50 and col. 7, line 25 – col. 9, line 55: a dynamically manipulated web form 410 that prevents the crawler 305 from automatically accessing the data (sensitive information such as price information (portion of the content)) embedded in the original web form 400), wherein designating a specific portion comprises utilizing tags to enclose the specific portion so as to designate the specific portion without modifying the specific portion (col. 9, lines 19-55: the tag is inserted between “P” and “rice” for the keyword “Price” (specific portion), these content inserts will impede the crawler’s ability to automatically extract the content data since it prevents the crawler from locating the

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desired keyword, and since the crawler cannot extract the content data, the crawler cannot modify the content data).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3-4, 5-6, 9-10, 11-12, 15-16 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kraft et al. (Kraft) as applied to claims 1, 7 and 13 above, and further in view of Meyerzon et al. (Meyerzon), US Patent No. 6,199,081.

9. As to claims 3, 9 and 15, Kraft discloses the claimed invention as discussed in claims 1, 7 and 13 above. However, Kraft does not disclose wherein the tag comprises a robot tag. Meyerzon discloses tagging document is accomplished by inserting a property into the modified document data stream, for example, insert a special property such as META NAME=ROBOTS CONTENTS-NOINDEX in the document data stream (col. 11, lines 42-59). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Meyerzon and Kraft to include

robot tag since Meyerzon suggests that by using robot tags in the website so indexing engine does not index sites with robot tags.

10. As to claims 4, 10 and 16, Kraft discloses wherein utilizing tags to enclose the specific portion comprises utilizing attributes in the tags to designate the specific portion (col. 9, lines 19-55: the tag `` is inserted between "P" and "rice" for the keyword "Price" (specific portion)), at least one of the attributes provides an indication that prevents the web crawling mechanism from indexing the specific portion (col. 9, lines 19-55: the attribute `scr=empty.gif` provides a space inserted between the letter "P" and the letter "r" which will impede the crawler's ability to extract the keyword "Price"). However, to make it more clear, Meyerzon discloses tagging document is accomplished by inserting a property into the modified document data stream, for example, insert a special property such as `META NAME=ROBOTS CONTENTS-NOINDEX` in the document data stream (col. 11, lines 42-59). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Meyerzon and Kraft to include robot tag since Meyerzon suggests that by using robot tags in the website so indexing engine does not index sites with robot tags.

11. As to claims 5 and 11, Kraft and Meyerzon disclose wherein the attribute comprises a robot attribute (Meyerzon discloses tagging document is accomplished by inserting a property into the modified document data stream, for example, insert a

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special property such as META NAME=ROBOTS CONTENTS=NOINDEX in the document data stream (col. 11, lines 42-59). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Meyerzon and Kraft to include robot tag since Meyerzon suggests that by using robot tags in the website so indexing engine does not index sites with robot tags).

12. As to claims 6 and 12, Kraft and Meyerzon disclose wherein indexing the specific content further comprises following the specific content (Kraft, col. 1, lines 30-45).

13. As to claim 17, Kraft discloses a method of generating a web page comprising:

designating content for publication on the web page (col. 6, lines 32-50: the original web form 400 contains data (content) from its data sources 320 that are collected and organized in response to a request from browser);

utilizing a tag to designate a specific portion of the content without modifying the specific portion of the content so as to designate the specific portion to prevent a web crawling mechanism from indexing the specific portion (col. 6, lines 32-50 and col. 7, line 25 – col. 9, line 55: a dynamically manipulated web form 410 that prevents the crawler 305 from automatically accessing the data (sensitive information such as price information (portion of the content)) embedded in the original web form 400; the tag `` is inserted between “P” and “rice” for the keyword “Price” (specific portion), these content inserts will impede the crawler’s ability to automatically extract the content data since it prevents the crawler from locating the

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desired keyword, and since the crawler cannot extract the content data, the crawler cannot modify the content data).

However, Kraft does not disclose wherein the tag comprises a robot tag. Meyerzon discloses tagging document is accomplished by inserting a property into the modified document data stream, for example, insert a special property such as META NAME=ROBOTS CONTENTS-NOINDEX in the document data stream (col. 11, lines 42-59). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Meyerzon and Kraft to include robot tag since Meyerzon suggests that by using robot tags in the website so indexing engine does not index sites with robot tags.

14. As to claim 18, Kraft and Meyerzon disclose wherein indexing further comprises following (Kraft, col. 1, lines 30-45).

15. As to claim 19, Kraft and Meyerzon disclose wherein utilizing a tag to designate a specific portion of the content further comprises utilizing an attribute to designate the specific portion of the content (Kraft, col. 9, lines 19-32).

16. As to claim 20, Kraft and Meyerzon disclose wherein the attribute comprises a robot attribute (Meyerzon discloses tagging document is accomplished by inserting a property into the modified document data stream, for example, insert a special property such as META NAME=ROBOTS CONTENTS-NOINDEX in the document data stream

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(col. 11, lines 42-59). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Meyerzon and Kraft to include robot tag since Meyerzon suggests that by using robot tags in the website so indexing engine does not index sites with robot tags).

Response to Arguments

In the remarks, Applicant(s) argued in substance that

A) Kraft does not disclose "wherein designating a specific portion comprises utilizing tags to enclose the specific portion so as to designate the specific portion without modifying the specific portion".

In reply to argument A, Kraft discloses in col. 9, lines 19-55: the tag `` is inserted between "P" and "rice" for the keyword "Price" (specific portion), these content inserts will impede the crawler's ability to automatically extract the content data since it prevents the crawler from locating the desired keyword, and since the crawler cannot extract the content data, the crawler cannot modify the content data.

B) The cited references fail to render obvious (a prima facie case of obviousness) the claimed invention.

In reply to argument B, to establish a prima facie case of obviousness, three basic criteria must be met.

First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. In this case, Kraft disclose system and method for preventing automated crawler access to web-based data sources, which is similar to inserting robot tags in the web document that instructs the indexer to throw away the document being processed of Meyerzon, thus it would have been obvious in the knowledge generally available to one of ordinary skill in the art at the time the invention was made to modify or combine the teaching of Meyerzon and Kraft since they both are from the same field of endeavor. The motivation for doing so is that Meyerzon suggests that by using robot tags in the website so indexing engine does not index sites with robot tags.

Second, there must be a reasonable expectation of success. The prior art can be modified or combined to reject claims as prima facie obvious as long as there is a reasonable expectation of success. In re Merck & Co., Inc., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, claimed invention directed to a method for preventing a web crawling mechanism from indexing a specific portion of web page was rejected as obvious over Kraft reference which teaches system and method for preventing automated crawler access to web-based data sources, and further in view of Meyerzon reference which teaches inserting robot tags in the web document that instructs the indexer to throw away the document being processed (col. 11, lines 43-59). Thus, there

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was reasonable expectation that a process combining the prior art steps could be successfully scaled up.

Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. In this case, Kraft discloses the claimed invention as discussed in claims 1, 7 and 13 above (see the rejection above). However, Kraft does not disclose wherein the tag comprises a robot tag. Meyerzon discloses tagging document is accomplished by inserting a property into the modified document data stream, for example, insert a special property such as META NAME=ROBOTS CONTENTS-NOINDEX in the document data stream (col. 11, lines 42-59). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Meyerzon and Kraft to include robot tag since Meyerzon suggests that by using robot tags in the website so indexing engine does not index sites with robot tags.

17. Applicant's arguments filed 02/22/2006 have been fully considered but they are not persuasive. Please see the rejection and response to arguments above.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chau Nguyen whose telephone number is (571) 272-4092. The examiner can normally be reached on 8:30 am – 5:30 pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon, can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. On July 15, 2005, the Central Facsimile (FAX) Number will change from 703-872-9306 to 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chau Nguyen
Patent Examiner
Art Unit 2176

William L. Bashore
WILLIAM BASHORE
PRIMARY EXAMINER
4/28/2006